

AMENDED IN SENATE MAY 13, 2008
AMENDED IN SENATE APRIL 1, 2008
AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1362

Introduced by Senator Margett

February 21, 2008

An act to amend Section 3099.2 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1362, as amended, Margett. Electrician certification.

Existing law requires that persons performing work as electricians for specified contractors be certified pursuant to certification standards established by the Division of Apprenticeship Standards.

This bill would provide that a person who performs work as an electrician without proper certification would be subject to specified penalties imposed by the Chief of the Division of Apprenticeship Standards. The bill would further provide that a *class C-10 electrical* contractor that *willfully* employs a person who performs work as an electrician without proper certification *or willfully fails to provide adequate supervision of an uncertified worker or an apprentice* would be subject to *disciplinary action, including license suspension or revocation, pursuant to Contractors' State License Law—specified* penalties imposed by the Registrar of Contractors of the Contractors' State License Board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3099.2 of the Labor Code is amended to
2 read:

3 3099.2. (a) (1) Persons who perform work as electricians shall
4 become certified pursuant to Section 3099 by the deadline specified
5 in this subdivision. After the applicable deadline, uncertified
6 persons may not perform electrical work for which certification
7 is required.

8 (2) The deadline for certification as a general electrician or
9 fire/life safety technician is January 1, 2006, except that persons
10 who applied for certification prior to January 1, 2006, have until
11 January 1, 2007, to pass the certification examination. The deadline
12 for certification as a residential electrician is January 1, 2007, and
13 the deadline for certification as a voice data video technician or a
14 nonresidential lighting technician is January 1, 2008. The California
15 Apprenticeship Council may extend the certification date for any
16 of these three categories of electricians up to January 1, 2009, if
17 the council concludes that the existing deadline will not provide
18 persons sufficient time to obtain certification, enroll in an
19 apprenticeship or training program, or register pursuant to Section
20 3099.4.

21 (3) For purposes of any continuing education or recertification
22 requirement, individuals who become certified prior to the deadline
23 for certification shall be treated as having become certified on the
24 first anniversary of their certification date that falls after the
25 certification deadline.

26 (b) Certification is required only for those persons who perform
27 work as electricians for contractors licensed as class C-10 electrical
28 contractors under the Contractors' State License Board Rules and
29 Regulations. Certification is not required for persons performing
30 work for contractors licensed as class C-7 low voltage systems or
31 class C-45 electric sign contractors as long as the work performed
32 is within the scope of the class C-7 or class C-45 license, including
33 incidental and supplemental work as defined in Section 7059 of
34 the Business and Professions Code, and regardless of whether the
35 same contractor is also licensed as a class C-10 contractor.

36 (c) The division shall establish separate certifications for general
37 electrician, fire/life safety technician, residential electrician, voice
38 data video technician, and nonresidential lighting technician.

(d) Notwithstanding subdivision (a), certification is not required for registered apprentices performing electrical work as part of an apprenticeship program approved under this chapter, a federal Bureau of Apprenticeship Training program, or a state apprenticeship program authorized by the federal Bureau of Apprenticeship Training. An apprentice who is within one year of completion of his or her term of apprenticeship shall be permitted to take the certification examination and, upon passing the examination, shall be certified immediately upon completion of the term of apprenticeship.

(e) Notwithstanding subdivision (a), certification is not required for any person employed pursuant to Section 3099.4.

(f) Notwithstanding subdivision (a), certification is not required for a nonresidential lighting trainee (1) who is enrolled in an on-the-job instructional training program approved by the Chief of the Division of Apprenticeship Standards pursuant to Section 3090, and (2) who is under the onsite supervision of a nonresidential lighting technician certified pursuant to Section 3099.

(g) Notwithstanding subdivision (a), the qualifying person for a class C-10 electrical contractor license issued by the Contractors' State License Board need not also be certified pursuant to Section 3099 to perform electrical work for that licensed contractor or to supervise an uncertified person employed by that licensed contractor pursuant to Section 3099.4.

(h) (1) A person who is determined by the Chief of the Division of Apprenticeship Standards to have performed work as an electrician in violation of this section shall forfeit as a civil penalty two hundred fifty dollars (\$250) if the violation is a first-time violation. The penalty may be waived by the chief if the person remedies his or her noncompliance within 30 days of the date of the violation.

(2) A person who is determined by the Chief of the Division of Apprenticeship Standards to have performed work as an electrician in violation of this section shall forfeit as a civil penalty five hundred dollars (\$500) if the violation is a second or subsequent violation. A penalty imposed pursuant to this paragraph shall not be waived.

(i) *The following shall constitute additional grounds for disciplinary proceedings, including suspension or revocation of*

1 *the license of a class C-10 electrical contractor pursuant to Article*
2 *7 (commencing with Section 7090) of Chapter 9 of Division 3 of*
3 *the Business and Professions Code:*

4 *(1) The contractor willfully employs one or more uncertified*
5 *persons to perform work as electricians in violation of this section.*

6 *(2) The contractor willfully fails to provide the adequate*
7 *supervision of uncertified workers required by paragraph (3) of*
8 *subdivision (a) of Section 3099.4.*

9 *(3) The contractor willfully fails to provide adequate supervision*
10 *of apprentices performing work pursuant to subdivision (d).*

11 *(i)*

12 *(j) For the purposes of this section, “electricians” has the same*
13 *meaning as the definition set forth in Section 3099.*

14 ~~*(j) A class C-10 electrical contractor that is determined by the*~~
15 ~~*Registrar of Contractors of the Contractors’ State License Board*~~
16 ~~*to have employed one or more persons who have performed work*~~
17 ~~*as electricians in violation of this section shall forfeit as a civil*~~
18 ~~*penalty one thousand dollars (\$1,000) plus five hundred dollars*~~
19 ~~*(\$500) for each employee in violation of this section. If the*~~
20 ~~*violation is a second or subsequent violation, the contractor shall*~~
21 ~~*be subject to suspension of its license until such time as it*~~
22 ~~*demonstrates to the satisfaction of the registrar that it has remedied*~~
23 ~~*its noncompliance with this section.*~~